

October 23, 2023

Via Email

Christopher Carthy, Chairman North Castle Planning Board 17 Bedford Road Armonk, NY 10504 Oct 23 2023

TOWN OF NORTH CASTLE PLANNING DEPARTMENT

Re: MRL 11 Whippoorwill LLC 11 Whippoorwill Lane (107.04-1-5) Site Plan Application

Chairman Carthy and Members of the Planning Board:

I. INTRODUCTION

This firm, together with Alfonzetti Engineering, P.C. and Michael Piccirillo Architecture, represents MRL 11 Whippoorwill LLC ("Applicant") in connection with this Site Plan Application for the construction of a single-family home at the property located at 11 Whippoorwill Lane ("Property"). This application was last before your Board on August 7, 2023. At that meeting, your Board voted affirmatively to retain special counsel to address certain legal issues raised by the neighbors pertaining to the Applicant's ability to develop the Property. Special counsel has submitted a memorandum to your Board confirming that the Property is a legal non-conforming lot with a legal frontage on a mapped road and a right of access over Whippoorwill Lane and the strip of land adjacent to the Property, which is part of 9 Stone Hollow Way, and that the Applicant has the right to improve that strip of land as shown on the proposed plans. The purpose of this letter is to transmit revised plans for the proposed single-family house and to secure placement on the Planning Board November 13, 2023 agenda.

II. <u>DESCRIPTION OF SITE AND ZONING</u>

The Property is located at 11 Whippoorwill Lane and is identified on the Tax Assessment Map of the Town of North Castle as 107.04-1-5. The site, which is currently vacant land, is approximately 1.28 acres and is located in the R-2A zoning district. While the minimum lot size in the R-2A zoning district is 2 acres, the Property was created by filed Map # 3585, which was recorded in the offices of the Westchester County Clerk in 1930 after approval by the North Castle Planning Commission. Accordingly, the Property is considered a pre-existing legal non-conforming building lot. Further, after its undeniably legal creation, the Property was originally transferred by deed in 1932 and recorded at liber 3276 page 76. At the time that this deed was recorded with the Westchester County Clerk, the Property met all the zoning requirements.

Several of the neighbors, and their Counsel, have raised certain issues regarding the Property's legal non-confirming status and rights of access to the site. To address these specious

Phone: (914) 682-7800 81 Main Street, Suite 415 White Plains, New York 10601 Direct: (914) 220-9804 www.zarin-steinmetz.com



claims, and in order to avoid unnecessary repetition, your Board is directed to Special Counsel's September 22, 2023 Memorandum. In summary, as stated above, that Memorandum concludes that the Property is a legal non-conforming lot with legal frontage on a mapped road and with a right of access over Whippoorwill Lane and a private strip of land, which is part of 9 Stone Hollow Way. Further, the Applicant clearly has the right to improve that portion of Stone Hollow Way to which it has access rights.

III. Proposed Single-Family Home

The Applicant is proposing to develop the Property with a single-family home that is fully compliant with all zoning regulations. The proposed home is approximately 7,300 s.f., consisting of a first and second floor with garage. The maximum floor area permitted on the Property, based upon its size of 1.28 acres, is 8,468 s.f. The Applicant's proposal is roughly 13% beneath the maximum allowed by the zoning code. Additionally, the maximum allowable building coverage for the Property is 8%. The Applicant's proposal has a development coverage of 6.5%, which is below the maximum permitted by approximately 15%. As you can see on the enclosed plans, the proposal is also fully compliant with all required setback and height requirements.

It must be noted that one of the major concerns identified by the neighbors was the proposed pool and accompanying 17-foot-high retaining wall, which would have had significant visual impacts on the neighbor located at 11 Stone Hollow Way. In order to alleviate that issue, the Applicant has removed the proposed pool from its plans.

In support of this application, the Applicant is pleased to submit the following plans:

- 1. Site Plan, prepared by Alfonzetti Engineering P.C., dated June 12, 2023, last revised October 20, 2023;
- 2. Site Details, prepared by Alfonzetti Engineering, P.C. dated June 12, 2023, last revised October 20, 2023;
- 3. Gross Land Coverage Worksheet, prepared by Alfonzetti Engineering, P.C. dated October 20, 2023;
- 4. Basement/Foundation Plan, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023;
- 5. 1st Floor Plan, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023;
- 6. Second Floor Plan, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023;
- 7. Roof Plan, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023;
- 8. Elevations, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023;
- 9. Elevations, prepared by Michael Piccirillo Architecture, dated June 26, 2023, last revised August 22, 2023; and
- 10. Floor Area Calculations Worksheet, prepared by Michael Piccirillo Architecture, dated May 16, 2023.



IV. CONCLUSION

Please place this matter on the Planning Board's November 13, 2023 agenda for a continued discussion of the project and, if your Board deems appropriate, the scheduling of the required public hearing.

If you have any questions or concerns, please don't hesitate to contact me.

Very truly yours,

Kory Salomons
Kory Salomone

cc: Adam Kaufman, AICP Roland Baroni, Jr., Esq. John Kellard, P.E. Serge Lebedev Vladimir Levin, R.A. Ralph Alfonzetti, P.E.



TOWN OF NORTH CASTLE

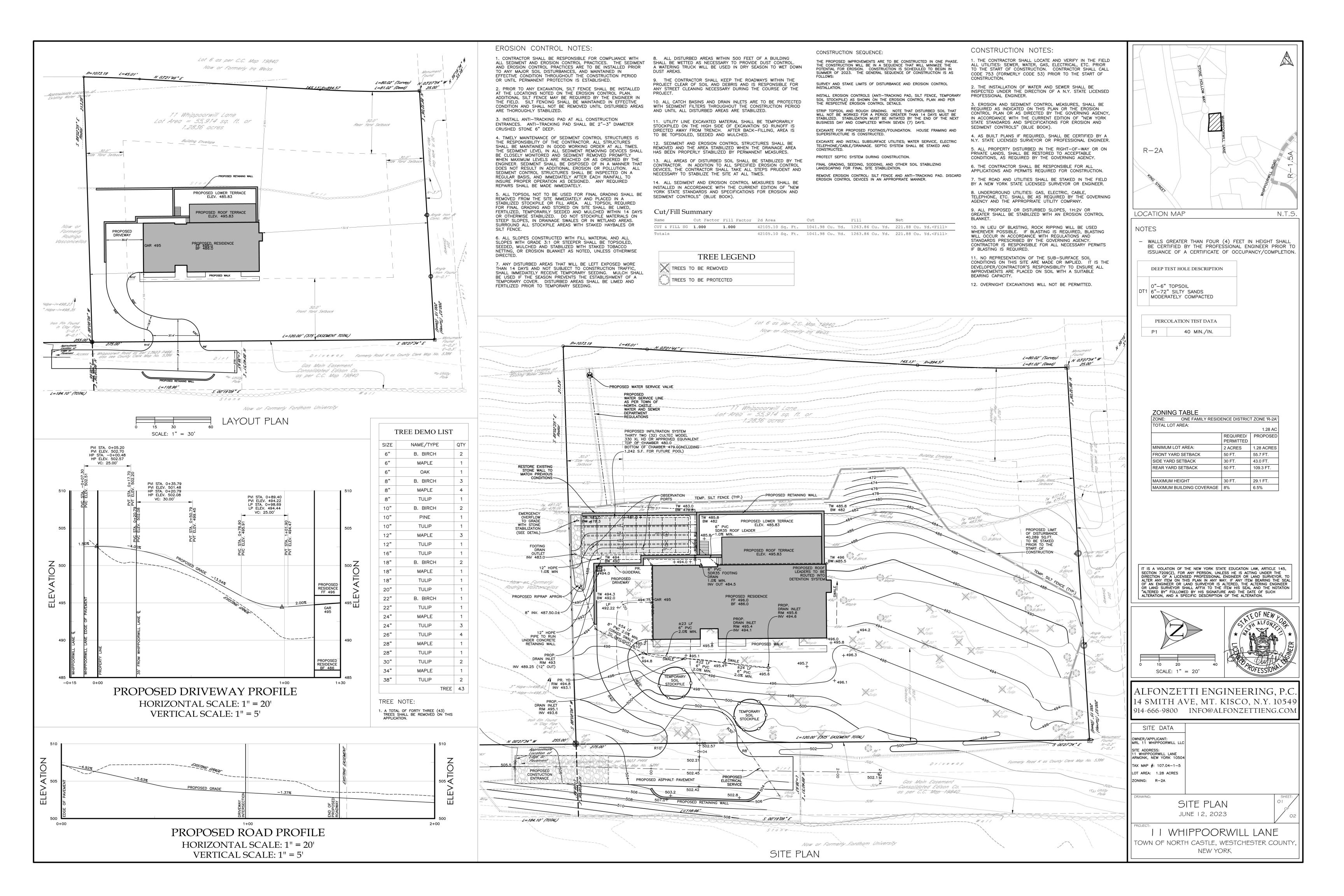
WESTCHESTER COUNTY 17 Bedford Road Armonk, New York 10504-1898

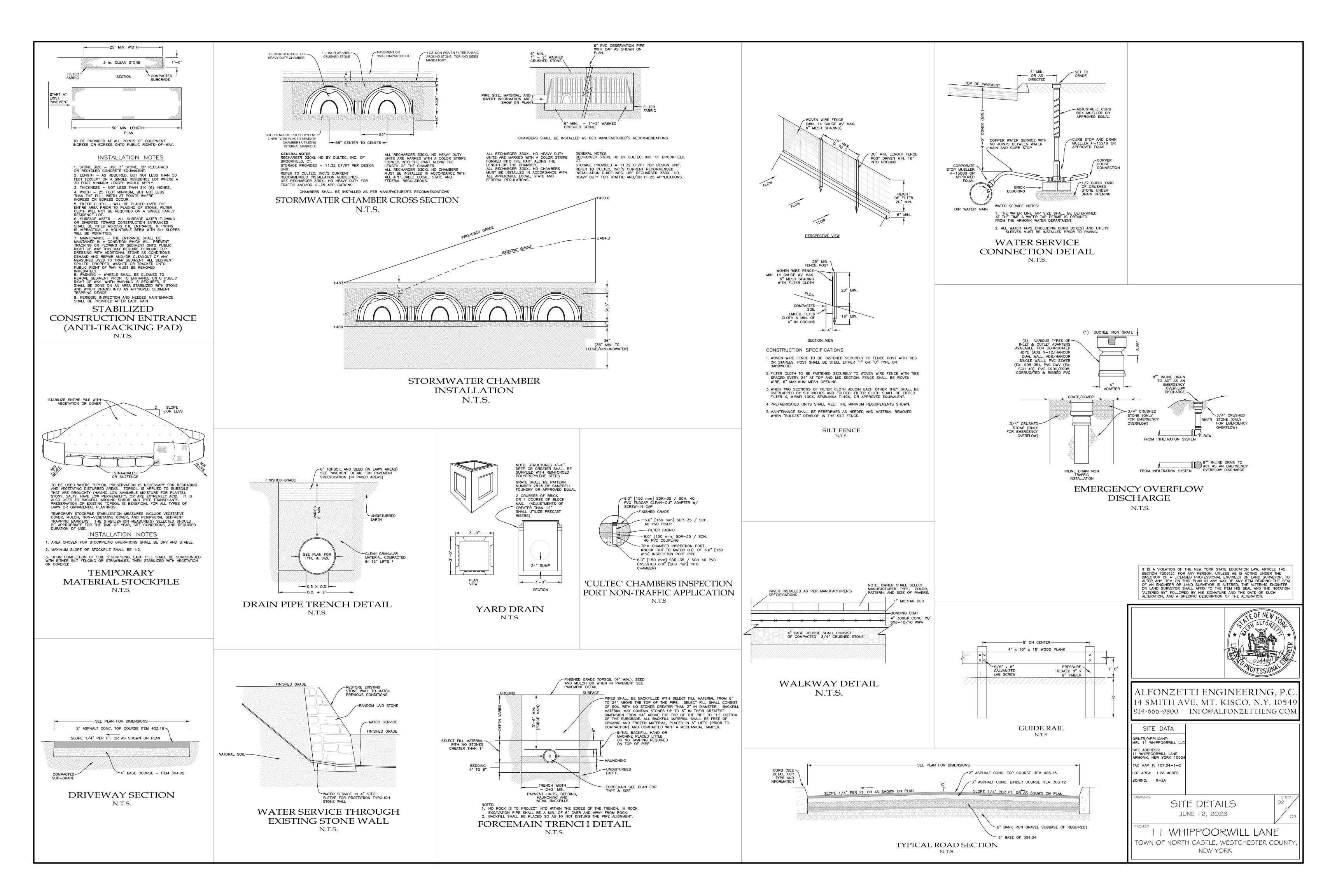
PLANNING DEPARTMENT Adam R. Kaufman, AICP Director of Planning

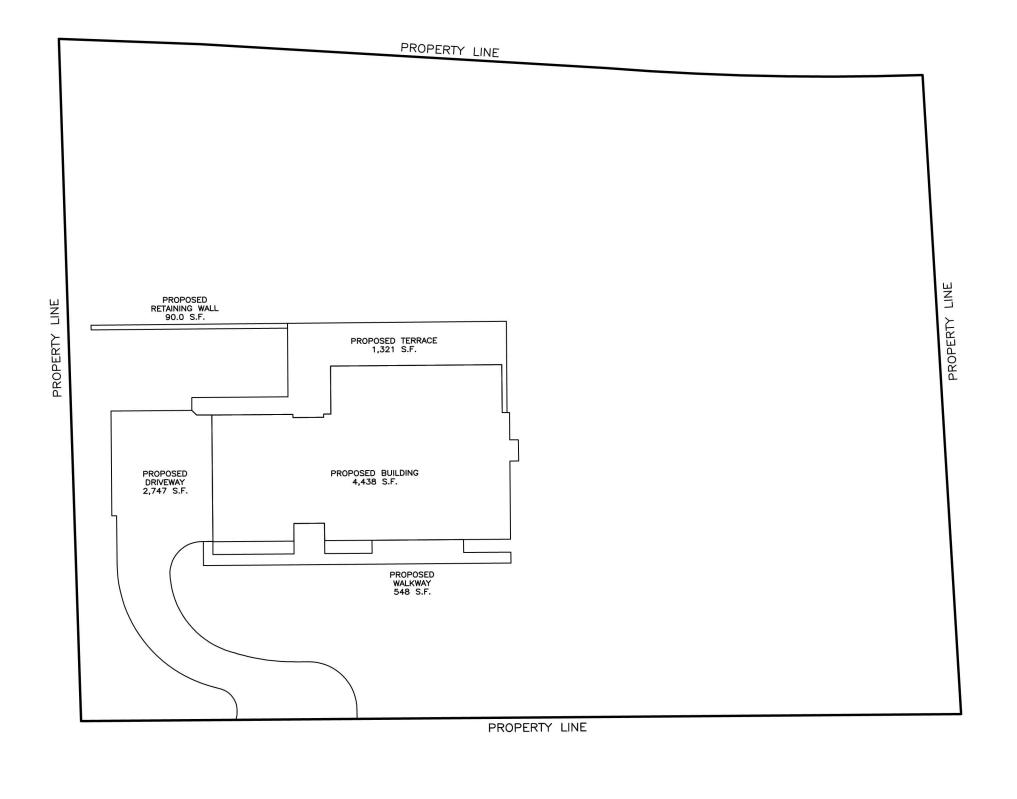
Telephone: (914) 273-3542 Fax: (914) 273-3554 www.northcastleny.com

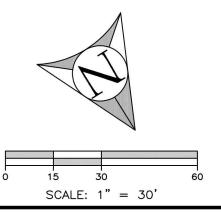
GROSS LAND COVERAGE CALCULATIONS WORKSHEET

| Applica | tion Name or Identifying Title: | 11 Whippoorwill Lane | Date: 10/20/2023 |
|---------------------|--|--|--|
| Tax Ma | p Designation or Proposed Lot No.: | 107.04-1-5 | _ |
| Gross L | ot Coverage | | |
| 1. | Total lot Area (Net Lot Area for Lots | Created After 12/13/06): | 55,914 S.F. |
| 2. | Maximum permitted gross land cove | rage (per Section 355-26.C(1)(a)): | 10,461.86 S.F. |
| 3. | BONUS maximum gross land cover | (per Section 355-26.C(1)(b)): | |
| | Distance principal home is beyond m | inimum front yard setback | 57 S.F |
| 4. | TOTAL Maximum Permitted gross | s land coverage = Sum of lines 2 and 3 | 10,518.86 S.F. |
| 5. | Amount of lot area covered by princi existing + _4,438.0_ p | ipal building: proposed = | 4,438.0 S.F. |
| 6. | Amount of lot area covered by access existing + 0 | sory buildings: proposed = | 0 S.F |
| 7. | Amount of lot area covered by decks O existing + 0 p | : proposed = | 0 S.F |
| 8. | Amount of lot area covered by porch O existing + O p | es: proposed = | 0 S.F |
| 9. | Amount of lot area covered by drive existing + 3,295.0 p | way, parking areas and walkways: proposed = | <u>3,295.0 S.F</u> . |
| 10. | Amount of lot area covered by terrac o existing + 1,321.0 | ces: proposed = | <u>1,321.0 S.F</u> . |
| 11. | Amount of lot area covered by tennis O existing + 0 I | | 0 S.F |
| 12. | Amount of lot area covered by all oth 0 existing $+$ 90.0 1 | ner structures: proposed = | 90.0 S.F. |
| 13. | Proposed gross land coverage: Total | of Lines $5 - 12 =$ | 9,144.0 S.F. |
| the proj does no | 13 is less than or equal to Line 4, your ect may proceed to the Residential from the comply with the Town's regulations are and Seal of Professional Prevaring W | PH ALFON P | ximum gross land coverage regulations and Line 13 is greater than Line 4 your proposal 10/20/2023 Date |









NOTE: LINES SHOWN ARE CLOSED COMPUTER POLYLINE ENTITIES.

ALFONZETTI ENGINEERING, P.C. 14 SMITH AVENUE, MT. KISCO, N.Y. 10549 914 - 666 - 9800 PROJEC

I I WHIPPOORWILL LANE

TOWN OF NORTH CASTLE, WESTCHESTER COUNTY, NEW YORK

DRAWING

GLC BACKUP WITH FUTURE POOL OCTOBER 20, 2023



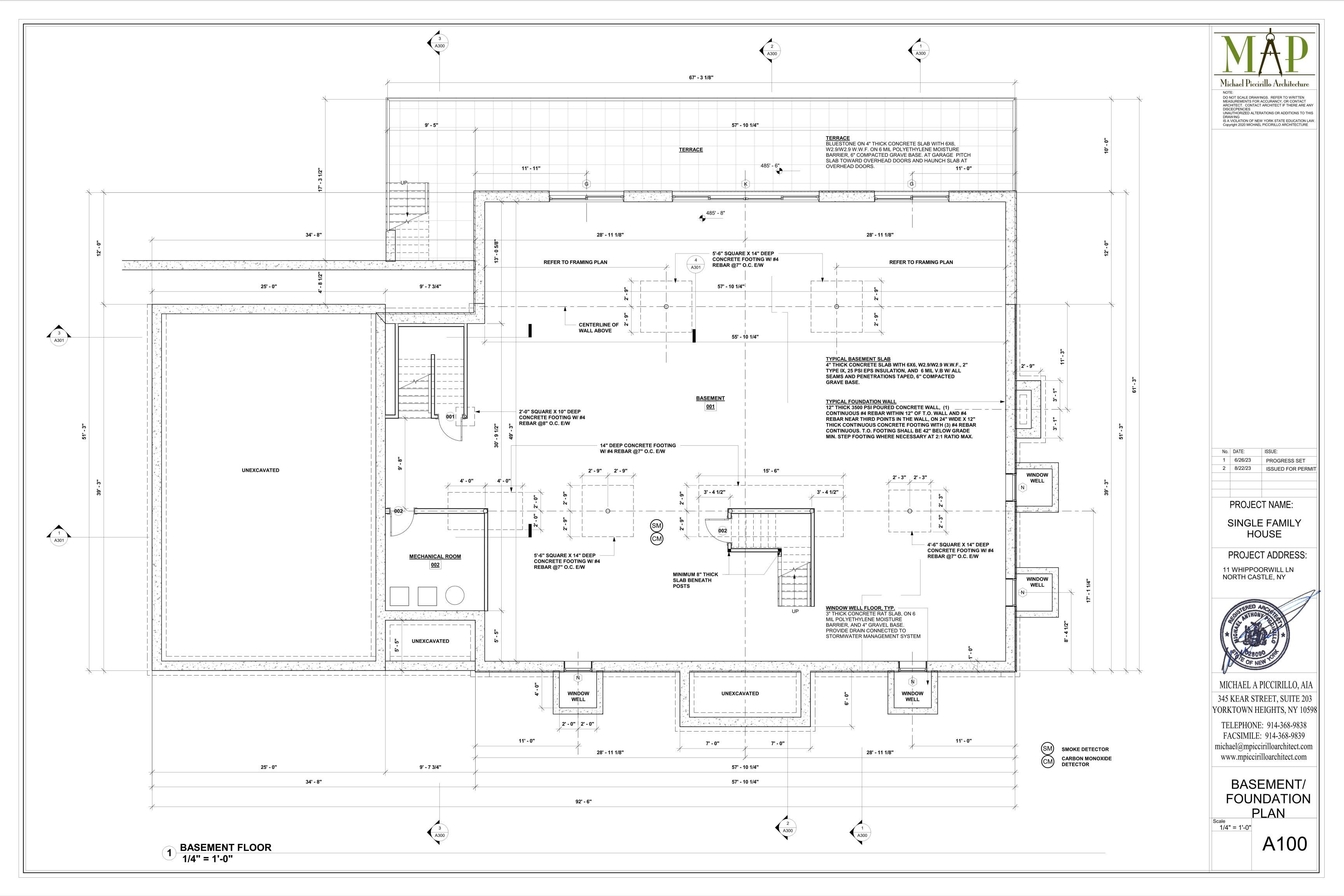
TOWN OF NORTH CASTLE

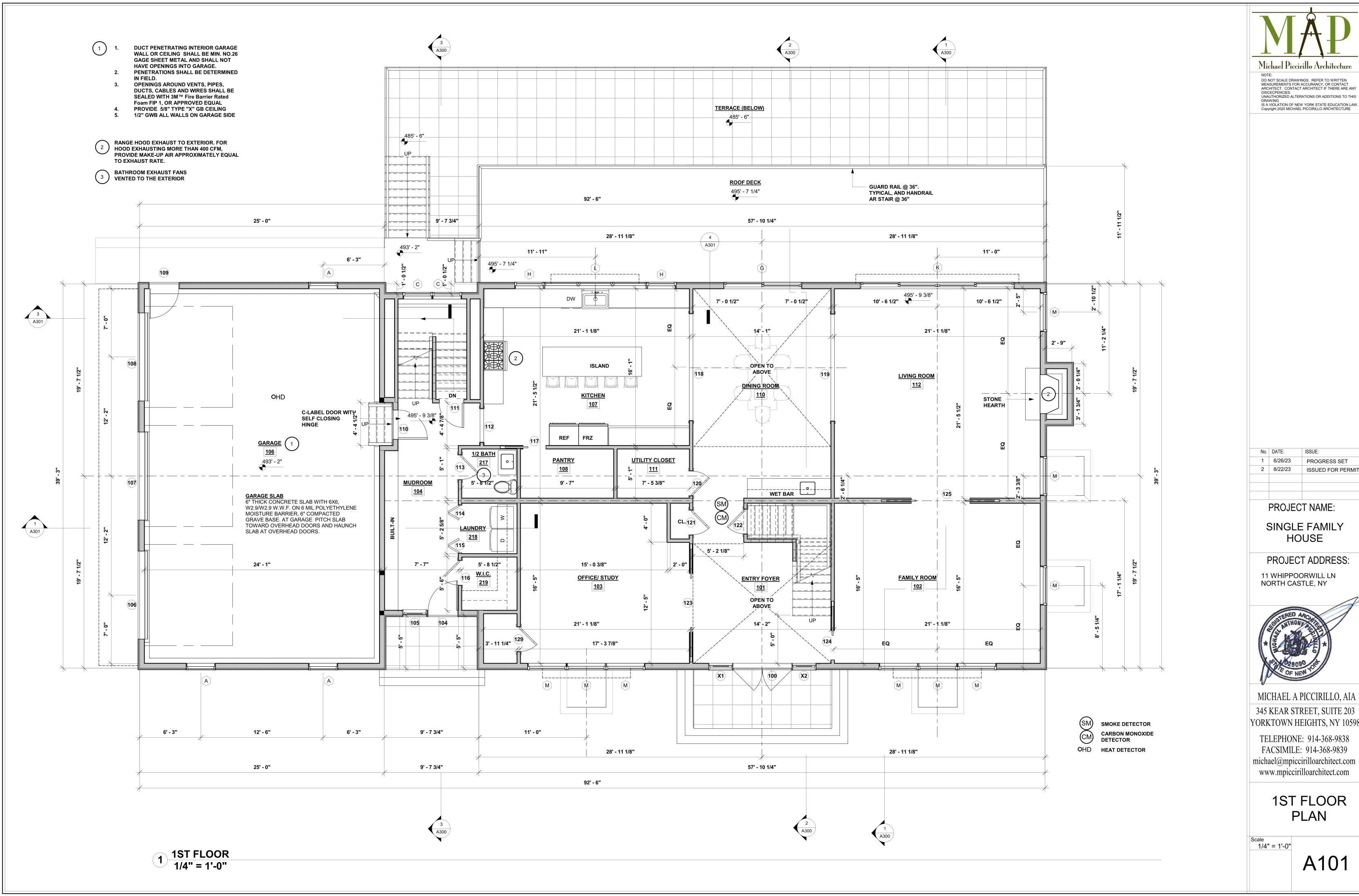
WESTCHESTER COUNTY 17 Bedford Road Armonk, New York 10504-1898

PLANNING DEPARTMENT Adam R. Kaufman, AICP Director of Planning January 29, 2019 Telephone: (914) 273-3542 Fax: (914) 273-3554 www.northcastleny.com

FLOOR AREA CALCULATIONS WORKSHEET

| Applica | tion Name or Identifying Title: | 11 WHIPPOORWILL LANE | El | Date: 10-23-23 |
|-----------|---|----------------------|-----------------------------|----------------|
| Tax Maj | p Designation or Proposed Lot No.: | 107.04-1-5 | | |
| Floor A | rea | | | |
| 1. | Total Lot Area (Net Lot Area for Lo | ots Created After 12 | 2/13/06): | 55,914 |
| 2. | Maximum permitted floor area (per | r Section 355-26.Bo | (4)): | 8,468 |
| 3. | Amount of floor area contained with existing + 2.611 | | - | 2,611 |
| 4. | Amount of floor area contained with existing + 3,438 | | _ | 3,438 |
| 5. - | Amount of floor area contained with existing + 981 | | - | 981 |
| 6. - | Amount of floor area contained with existing + 0 | | e of being enclosed: | 0 |
| 7. - | Amount of floor area contained with existing + NA | | plicable – see definition): | 0 |
| 8. | Amount of floor area contained with existing + 355 | | ble – see definition): | 355 |
| 9. | Amount of floor area contained with o existing + o | | uildings: | 0 |
| 10. Pro | posed floor area: Total of Lines | 3 - 9 = | | 7,385 |
| and the p | 10 is less than or equal to Line 2, your oroject may proceed to the Residential oposal does not comply with the Towns IERED ARCHITHON | Project Review Co | | |
| | ANTHON POLICE | | 1 | 0-23-23 |
| Signatur | | Worksheet | D | ate |







PROGRESS SET 2 8/22/23 ISSUED FOR PERMIT

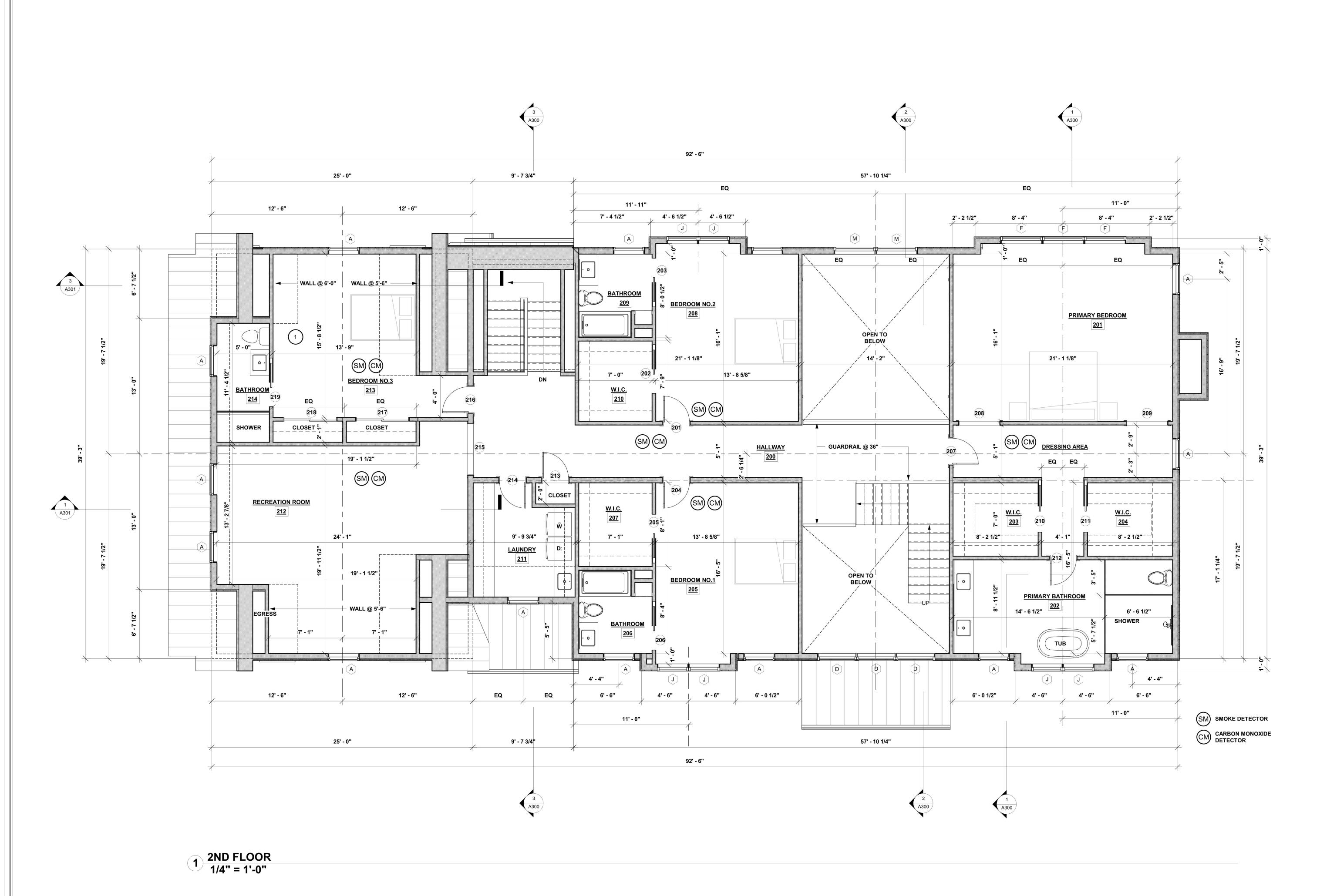
SINGLE FAMILY



345 KEAR STREET, SUITE 203 YORKTOWN HEIGHTS, NY 10598

FACSIMILE: 914-368-9839 michael@mpiccirilloarchitect.com www.mpiccirilloarchitect.com

1ST FLOOR



Michael Piccirillo Architecture

NOTE:

DO NOT SCALE DRAWINGS. REFER TO WRITTEN
MEASUREMENTS FOR ACCURANCY, OR CONTACT
ARCHITECT. CONTACT ARCHITECT IF THERE ARE ANY
DISCECPENCIES
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING
IS A VIOLATION OF NEW YORK STATE EDUCATION LAW.
Copyright 2020 MICHAEL PICCIRILLO ARCHITECTURE

| No. | DATE: | ISSUE: |
|-----|---------|-------------------|
| 1 | 6/26/23 | PROGRESS SET |
| 2 | 8/22/23 | ISSUED FOR PERMIT |
| | | |

PROJECT NAME: SINGLE FAMILY

HOUSE

PROJECT ADDRESS:

11 WHIPPOORWILL LN
NORTH CASTLE, NY



MICHAEL A PICCIRILLO, AIA

345 KEAR STREET, SUITE 203
YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838 FACSIMILE: 914-368-9839 michael@mpiccirilloarchitect.com www.mpiccirilloarchitect.com

SECOND FLOOR PLAN

Scale 1/4" = 1'-0"

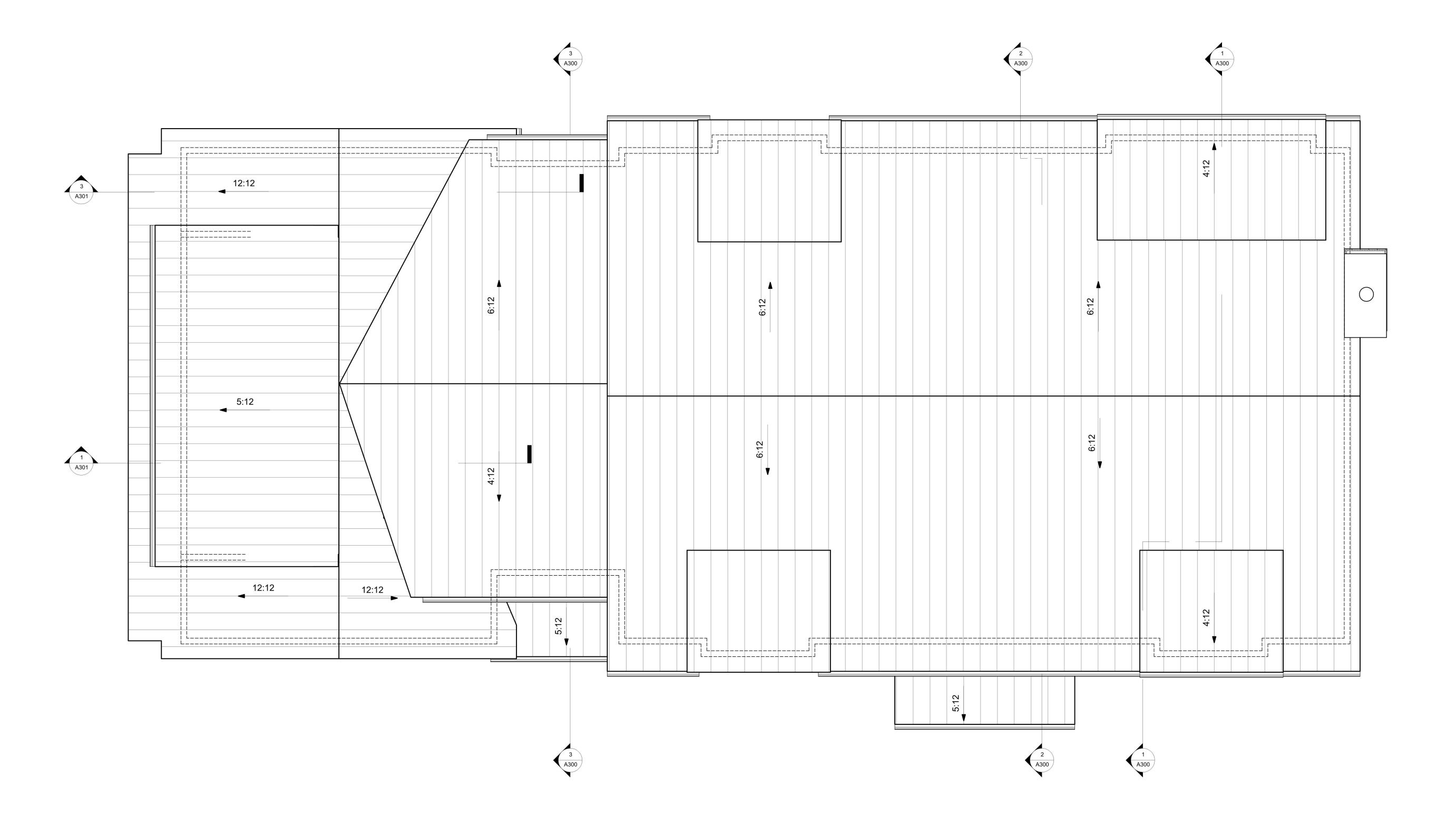
 STANDING SEAM METAL ROOF:
 24 GAUGE HIGH STRENGTH GALVALUM STEEL, AZ -50 OR AZ-55 COATING, PREMIUM MCA CERTIFIED PAINT SYSTEM, GREY COLOR, 1 1/2" SEAM HEIGHT, CONCEALED CLIP FASTENING SYSTEM,12"-16" COVERAGE, UL 790 CLASS A FIRE RESISTANCE RATING, UL 2218 CLASS 4 HAIL

IMPACT RESISTANCE, UL 580 CLASS 90UPLIFT TEST RATING. G.C. SHALL SUBMIT SPECIFICATION FOR APPROVAL AND PROVIDE COLOR/MATERIAL SAMPLE. FLASHING AT METAL ROOF SHALL BE COMPATIBLE WITH METAL ROOF GUTTERS TO BE OGEE STYLE ALUMINUM TO MATCH EXISTING , WITH 4" DIAMETER ROUND

ALUMINUM LEADERS. SEE DRAWINGS FOR LOCATION. ARCHITECT AND OWNER TO APPROVE FINAL LOCATION OF LEADERS.

CONDUCTOR HEADS AT SCUPPERS SHALL BE 10" X10" ALUMINUM. PROVIDE CUT SHEAT FOR

1 ROOF 1/4" = 1'-0"





NOTE:

DO NOT SCALE DRAWINGS. REFER TO WRITTEN
MEASUREMENTS FOR ACCURANCY, OR CONTACT
ARCHITECT. CONTACT ARCHITECT IF THERE ARE ANY
DISCECPENCIES
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING
IS A VIOLATION OF NEW YORK STATE EDUCATION LAW.
Copyright 2020 MICHAEL PICCIRILLO ARCHITECTURE

| No. | DATE: | ISSUE: |
|-----|---------|-------------------|
| 1 | 6/26/23 | PROGRESS SET |
| 2 | 8/22/23 | ISSUED FOR PERMIT |
| | | |

PROJECT NAME:

SINGLE FAMILY HOUSE

PROJECT ADDRESS: 11 WHIPPOORWILL LN NORTH CASTLE, NY



MICHAEL A PICCIRILLO, AIA 345 KEAR STREET, SUITE 203 YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838 FACSIMILE: 914-368-9839 michael@mpiccirilloarchitect.com www.mpiccirilloarchitect.com

ROOF PLAN

Scale 1/4" = 1'-0"



2 WEST ELEVATION 3/16" = 1'-0"



Michael Piccirillo Architecture

NOTE:

DO NOT SCALE DRAWINGS. REFER TO WRITTEN
MEASUREMENTS FOR ACCURANCY, OR CONTACT
ARCHITECT. CONTACT ARCHITECT IF THERE ARE ANY
DISCECPENCIES
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING
IS A VIOLATION OF NEW YORK STATE EDUCATION LAW.
Copyright 2020 MICHAEL PICCIRILLO ARCHITECTURE

| No. | DATE: | ISSUE: |
|-----|---------|-------------------|
| 1 | 6/26/23 | PROGRESS SET |
| 2 | 8/22/23 | ISSUED FOR PERMIT |
| | | |
| | | |

PROJECT NAME:

SINGLE FAMILY HOUSE

PROJECT ADDRESS:

11 WHIPPOORWILL LN
NORTH CASTLE, NY



MICHAEL A PICCIRILLO, AIA

345 KEAR STREET, SUITE 203
YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838
FACSIMILE: 914-368-9839
michael@mpiccirilloarchitect.com
www.mpiccirilloarchitect.com

ELEVATIONS

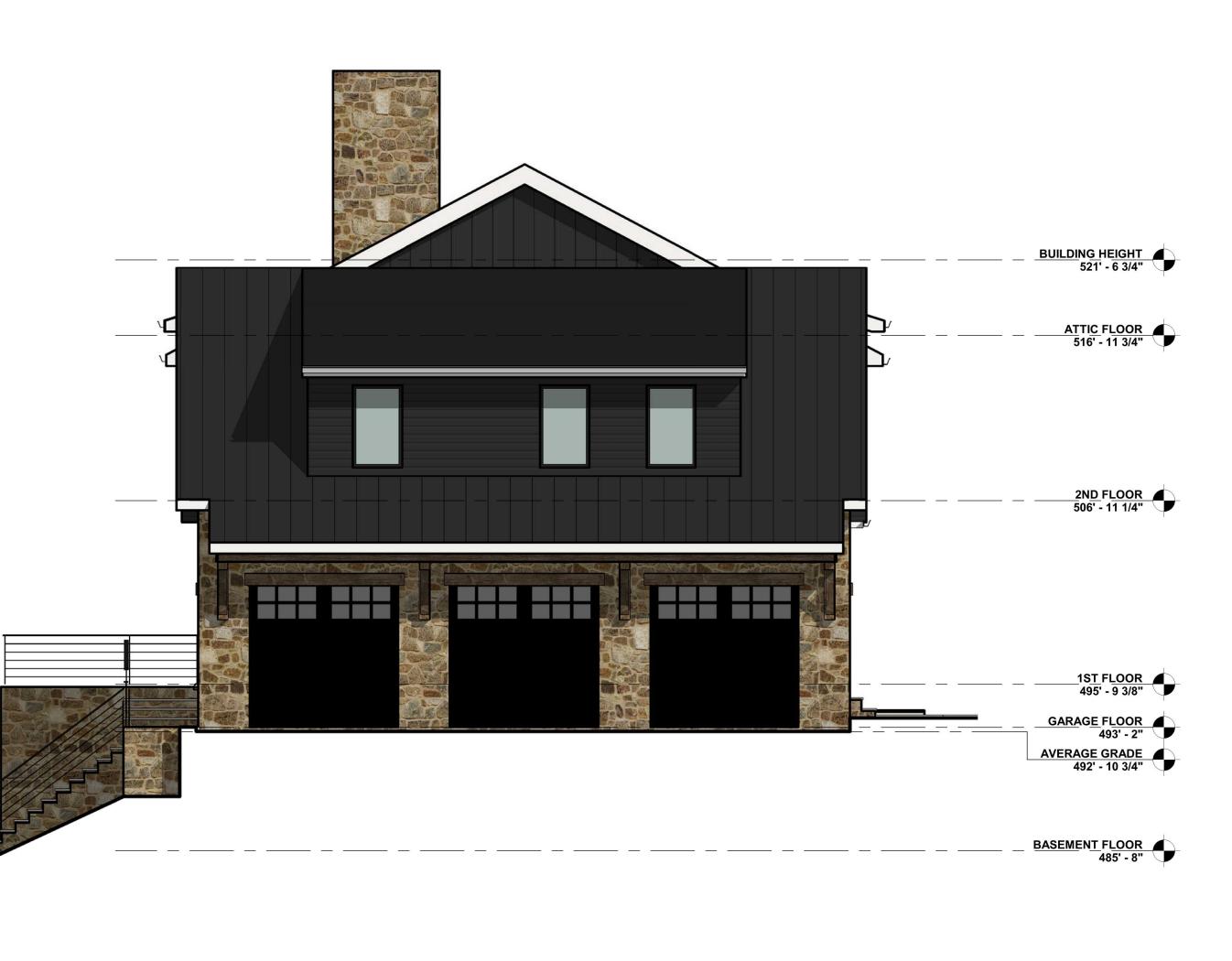
3/16" =

A200

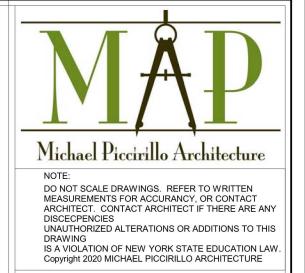
3 EAST ELEVATION 3/16" = 1'-0"



1 NORTH ELEVATION 3/16" = 1'-0"



2 SOUTH ELEVATION 3/16" = 1'-0"



| 6/26/23 | MA ANY DIS BOSTON STONE OR STONE |
|---------|----------------------------------|
| 0/20/23 | PROGRESS SET |
| 8/22/23 | ISSUED FOR PERMIT |
| | 8/22/23 |

PROJECT NAME:

SINGLE FAMILY HOUSE

PROJECT ADDRESS:

11 WHIPPOORWILL LN
NORTH CASTLE, NY



MICHAEL A PICCIRILLO, AIA

345 KEAR STREET, SUITE 203
YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838 FACSIMILE: 914-368-9839 michael@mpiccirilloarchitect.com www.mpiccirilloarchitect.com

ELEVATIONS

Scale 3/16" = 1'-0"